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CofC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No: 6,775,880 *B2*  
Entitled: PROTECTANT APPLICATION  
Dated: August 17, 2004  
Inventor(s): GARY A. KASPER, SAMUEL N. HANSEN, JOHN L. JANSEN, PHONG HÒANG  
TRAN, ERIC J. HANSEN, AND GABRIEL S. VANDER BAAN  
Docket No.: 71189-1383

REQUEST FOR ISSUANCE OF CERTIFICATE OF CORRECTION  
PURSUANT TO 37 C.F.R. § 1.322

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Certificate  
SEP 09 2004  
of Correction

Sir:

Applicant hereby requests that the Commissioner issue a Certificate of Correction regarding the above-identified U.S. patent as set forth on the attached Form PTO-1050 (in duplicate). The error specified on this form is a printing error which is the fault of the Patent and Trademark Office and is believed to be of a material nature.

Issuance of a Certificate of Correction is respectfully requested.

Respectfully submitted,

GARY A. KASPER ET AL.

Date:

*August 30, 2004*

By:

*[Signature]*  
Michael F. Kelly, Reg. No. 50,859  
MCGARRY BARR PC  
171 Monroe Avenue, N.W., Suite 600  
Grand Rapids, Michigan 49503  
(616) 742-3500

G0137891

9 SEP 2004

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO.: 6,775,880 *B2*  
DATED: August 17, 2004  
ENTITLED: PROTECTANT APPLICATION  
INVENTOR(S): GARY A. KASPER, SAMUEL N. HANSEN, JOHN L. JANSEN, PHONG  
HOANG TRAN, ERIC J. HANSEN, AND GABRIEL S. VANDER BAAN

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims:

Claim 10, Column 14, Line 21 reads: "wherein the quick connect is a bayonet connection."

It should read: "wherein the quick connect mechanism is a bayonet connection."

MAILING ADDRESS OF SENDER:  
MICHAEL F. KELLY, REG. No. 50,859  
MCGARRY BAIR PC  
171 Monroe Avenue, NW, Suite 600  
Grand Rapids, Michigan 49503  
616-742-3500

PATENT NO. 6,775,880 *B2*

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO.: 6,775,880 *B2*

DATED: August 17, 2004

ENTITLED: PROTECTANT APPLICATION

INVENTOR(S): GARY A. KASPER, SAMUEL N. HANSEN, JOHN L. JANSEN, PHONG  
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PATENT NO. 6,775,880 *B2*

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6, 775, 880

Docket No.: P1236US05

## DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled, **METHOD FOR CONFIGURING SOFTWARE FOR A BUILD TO ORDER SYSTEM**

the specification of which

(Check One):   X   is attached hereto.  
\_\_\_\_\_ was filed on \_\_\_\_\_ as  
Application Serial No. \_\_\_\_\_  
and was amended on (if applicable) \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, ' 1.56 printed on the reverse side of this Declaration. I hereby claim foreign priority benefits under Title 35, United States Code '119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Application No.	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application No.	Date of Filing	Status-Patented, Pending or Abandoned
09/631,081	8/2/2000	Issued

## APPLICABLE STATUTES & RULES

### 37 CFR 1.56: DUTY TO DISCLOSE INFORMATION MATERIAL TO PATENTABILITY.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.87(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
  - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

### 35 U.S.C. 102: CONDITIONS FOR PATENTABILITY; NOVELTY AND LOSS OF RIGHT TO PATENT

A person shall be entitled to a patent unless—

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representative or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and hasten to reduce to practice, from a time prior to conception by the other.

### 35 U.S.C. 133: CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negative by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

### 35 U.S.C. 149: BENEFIT OF EARLIER FILING DATE IN FOREIGN COUNTRY; RIGHT OF PRIORITY (Applicable Portion)

An application for patent for an invention filed in this country by any person who has, or whose legal representative or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for a patent for an invention which has been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.

### 35 U.S.C. 120: BENEFIT OF EARLIER FILING DATE IN THE UNITED STATES

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, by the same invention shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

### 35 U.S.C. 112: SPECIFICATION (Applicable Portion)

The Specification shall contain a written description of the invention, and of the making and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctive claiming the subject matter which the applicant regards as his invention.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURE(S)**

James L. Kroening

Inventor's Signature

Date

4/7/04

Country of Citizenship: United States

Residence: Dakota Dunes, SD

Post Office Address: 802 East Saint Andrews, Dakota Dunes, SD 57049

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURE(S)**

**Darrin J. Fangman**

Inventor's Signature \_\_\_\_\_

Date 9-7-2004 Country of Citizenship: United States

Residence: McCook Lake, SD

Post Office Address: 8 Martha Street, McCook Lake, SD 57049

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

James Marshall

Inventor's Signature



Date

4/7/04

Country of Citizenship: United States

Residence: Jefferson, SD

Post Office Address: P.O. Box 332 803 Esther Street, Jefferson, SD 57038



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Richard Peasley

Inventor's Signature



Date

4/10/2004

Country of Citizenship: United States

Residence: Elk Point, SD

Post Office Address: 703 East Clay Street, Elk Point, SD 57025

**PATENT**

Attorney Docket N<sup>o</sup>: 97-0506D1 (P1236US05)

Serial N<sup>o</sup>: 09/631,081

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application Of : James L. Kroening  
Serial N<sup>o</sup> : 09/631,081  
Filed : August 2, 2000  
Examiner : Booker, Kelvin E.  
Group Art Unit : 2121  
For : METHOD FOR CONFIGURING SOFTWARE FOR A BUILD TO  
ORDER SYSTEM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CONSENT OF ASSIGNEE TO CHANGE OF INVENTORSHIP  
IN APPLICATION (37 C.F.R. § 1.48(a))**

---

**CERTIFICATE OF MAILING 37 C.F.R. § 1.8**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service  
with sufficient postage as first class mail in an  
envelope addressed to the Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
ReNea D. Berggren

**FACSIMILE**

☐ transmitted by facsimile to the Patent and  
Trademark Office.

DATED: April 12, 2004

Gateway, Inc., owner by assignment of the above application, in the assignment recorded  
in the PTO on October 16, 2000 at Reel/Frame 011201/0673, hereby consents to the amendment  
of the inventorship of this application as requested in the accompanying papers.

**STATEMENT UNDER 37 C.F.R. § 3.73(b) -  
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

1. The assignee of the entire right, title and interest hereby seeks to take action in the PTO in this matter.

**IDENTIFICATION OF ASSIGNEE**

2. Gateway, Inc.  
Name of Assignee

**PERSON AUTHORIZED TO SIGN**

3. Scott Richardson  
Name of person authorized to sign
- Staff Counsel, Patent  
Title of person authorized to sign

**BASIS OF ASSIGNEE'S INTEREST**

Ownership by the assignee is established as follows:

An assignment from the inventor of the matter identified above, was recorded in the PTO on October 16, 2000 at Reel/Frame 011201/0673.

I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

Date: 7/2/04

Scott Richardson  
Scott Richardson  
Staff Counsel, Patent

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

<p><b>1. Name of conveying party(ies):</b></p> <p>James L. Kroening      James Marshall 802 East Saint Andrews      PO Box 332, 803 Esther Street Dakota Dunes, SD 57049      Jefferson, SD 57038</p> <p>Darrin J. Fangman      Richard Peasley 8 Martha Street      703 East Clay Street McCook Lake, SD 57049      Elk Point, SD 57025</p> <p>Additional names of conveying party(ies) attached? <input type="checkbox"/> yes    <input checked="" type="checkbox"/> no</p> <hr/> <p><b>3. Nature of Conveyance</b></p> <p><input checked="" type="checkbox"/> Assignment      <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement      <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____</p> <p>Execution Date: July 28, 2000, April 7, 2004, April 7, 2004 and April 10, 2004</p>	<p><b>2. Name and address of receiving party(ies):</b></p> <p>Name: <u>Gateway, Inc.</u></p> <p>Internal Address:</p> <p>610 Gateway Drive, Y04 North Sioux City, SD 57049-2000</p> <p>Street Address: <u>Same as Above</u> City _____ State _____ Zip _____</p> <p>Additional name(s) &amp; address(es) attached? <input type="checkbox"/> yes    <input checked="" type="checkbox"/> no</p>				
<p><b>4. Application number(s) or patent number(s):</b> Title: <u>METHOD FOR CONFIGURING SOFTWARE FOR A BUILD TO ORDER SYSTEM</u> If this document is being filed together with a new application, the execution date of the application is _____</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><b>A. Patent Application No(s).</b></p> <p>09/631,081</p> </td> <td style="width: 50%; vertical-align: top;"> <p><b>B. Patent No(s).</b></p> </td> </tr> </table> <p style="text-align: center;">Additional numbers attached? <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p>		<p><b>A. Patent Application No(s).</b></p> <p>09/631,081</p>	<p><b>B. Patent No(s).</b></p>		
<p><b>A. Patent Application No(s).</b></p> <p>09/631,081</p>	<p><b>B. Patent No(s).</b></p>				
<p><b>5. Name and address of party to whom correspondence concerning document should be mailed:</b></p> <p><b>CUSTOMER NO. 32709</b> SCOTT C. RICHARDSON, ESQ. GATEWAY, INC. LAW DEPARTMENT, MS Y04 610 GATEWAY DRIVE N. SIOUX CITY, SD 57049-2000 (605) 232-1967 TELEPHONE (605) 232-2612 FACSIMILE</p>	<p><b>6. Total number of applications and patents involved:</b> <u>1</u></p> <p><b>7. Total fee (37 CVF 3.41):</b> <u>\$ 40.00</u></p> <p><input type="checkbox"/> Enclosed</p> <p><input checked="" type="checkbox"/> Authorized to be charged to deposit account     <input checked="" type="checkbox"/> Total fee due     <input checked="" type="checkbox"/> Any deficiencies in the enclosed fees</p> <p><b>8. Deposit account number:</b> <u>50-0439</u></p>				
<p><b>DO NOT USE THIS SPACE</b></p>					
<p><b>9. Statement and signature</b></p> <p>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</p> <table style="width: 100%;"> <tr> <td style="width: 30%;"> <p><u>Kevin E. West</u> Name of Person Signing Registration No. 43,983</p> </td> <td style="width: 30%; text-align: center;">   <p>Signature</p> </td> <td style="width: 30%; text-align: center;"> <p><u>4/12/04</u> Date</p> </td> <td style="width: 10%; text-align: center;"> <p>Total number of pages comprising cover sheet: <u>1</u></p> </td> </tr> </table>		<p><u>Kevin E. West</u> Name of Person Signing Registration No. 43,983</p>	 <p>Signature</p>	<p><u>4/12/04</u> Date</p>	<p>Total number of pages comprising cover sheet: <u>1</u></p>
<p><u>Kevin E. West</u> Name of Person Signing Registration No. 43,983</p>	 <p>Signature</p>	<p><u>4/12/04</u> Date</p>	<p>Total number of pages comprising cover sheet: <u>1</u></p>		

Please return signed/Recorded to:

Sean Patrick Suiter  
Suiter & Associates PC  
11516 Nicholas Street, Suite 205  
Omaha, NE 68154-4409

ASSIGNMENT OF U.S. PATENT APPLICATION  
(sole or joint inventor(s))

WHEREAS, the undersigned, to wit:

- 1) James L. Kroening

(hereinafter collectively ASSIGNOR), have made application for United States Letters Patent

- (a)   X   which was executed and is being filed herewith in the United States Patent and Trademark Office, titled METHOD FOR CONFIGURING SOFTWARE FOR A BUILD TO ORDER SYSTEM.
- (b)        which was filed on        and titled
- (c)        which was filed on        and known as Appln. No.       , titled

AND WHEREAS, GATEWAY, INC. (hereinafter ASSIGNEE), a corporation organized and existing under the laws of Delaware, and having its principal place of business at 610 Gateway Drive, MS Y04, North Sioux City, SD 57049-2000, is desirous of acquiring our entire right, title and interest in and to the invention, and in and to the said application and any Patent that may issue thereon;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ASSIGNOR does hereby sell, assign and transfer unto ASSIGNEE, its successors, assigns and legal representatives its entire right, title and interest in and to said invention and in and to said application and all patents which may be granted therefore, and all divisions, reissues, substitutions, continuations, continuations-in-part and extensions thereof; and ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as ASSIGNOR's interest is concerned, to the said ASSIGNEE of ASSIGNOR's entire right, title and interest.

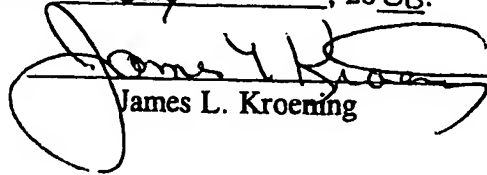
ASSIGNOR also hereby sells and assigns to said ASSIGNEE, its successors, assigns and legal representatives the full and exclusive rights, title and interest to the invention disclosed in said application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world including all rights of priority, all rights to publish cautionary notices reserving ownership of said invention and all rights to register said invention in appropriate registries; and

ASSIGNOR further agrees to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such rights, title and interest in ASSIGNEE, its successors, assigns and legal representatives.

ASSIGNOR hereby further agrees to communicate with said ASSIGNEE, or its successors, assigns and legal representatives, any facts known to us respecting any improvements; and, at the expense of said ASSIGNEE, to testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-in-part, reissue and substitute applications, make all lawful oaths, and generally do everything possible to vest title in said ASSIGNEE and to aid said ASSIGNEE, its successors, assigns and legal representatives to obtain and enforce proper protection for said invention in all countries.

ASSIGNOR hereby grant(s) the firm of Suiter & Associates or its agents the power to insert on this assignment any further identification, including but not limited to application number(s) and filing dates, which may be necessary or desirable in order to comply with any rule or request of the United States Patent and Trademark office for the purposes of recording this document.

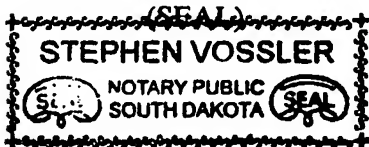
Signed at Gateways, in the County of Union, State of South Dakota, this 28 day of July, 2006.


  
James L. Kroening

STATE OF SD )  
COUNTY OF Union )

I, STEPHEN VOSSLER, a Notary Public in and for the County and State aforesaid, (my Commission expires on 1-23-05) do hereby certify that James L. Kroening personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 28 day of July, 2006.



  
Notary Public

My Commission Expires  
January 23, 2005

Please return signed/Recorded to:

**CUSTOMER No. 43056**

KEVIN E. WEST  
SUITER•WEST PC LLO  
14301 FNB PARKWAY  
SUITE 220  
OMAHA, NE 68154-5299  
(402) 496-0300 TELEPHONE  
(402) 496-0333 FACSIMILE

**ASSIGNMENT OF U.S. PATENT APPLICATION**  
(sole or joint inventor(s))

WHEREAS, the undersigned, to wit:

- 1) Darrin J. Fangman
- 2) James Marshall
- 3) Richard Peasley

(hereinafter collectively ASSIGNOR), have made application for United States Letters Patent

- (a) \_\_\_\_\_ which was executed and is being filed herewith in the United States Patent and Trademark Office
- (b) \_\_\_\_\_ which was filed on \_\_\_\_\_ and titled \_\_\_\_\_
- (c)  X  which was filed on August 2, 2000 and known as Application No. 09/631,081, titled  
METHOD FOR CONFIGURING SOFTWARE FOR A BUILD TO ORDER  
SYSTEM

AND WHEREAS, GATEWAY, INC. (hereinafter ASSIGNEE), a corporation organized and existing under the laws of Delaware, and having its principal place of business at 610 Gateway Drive, MS Y04, North Sioux City, SD 57049-2000, is desirous of acquiring our entire right, title and interest in and to the invention, and in and to the said application and any Patent that may issue thereon;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, ASSIGNOR does hereby sell, assign and transfer unto ASSIGNEE, its successors, assigns and legal representatives its entire right, title and interest in and to said invention and in and to said application and all patents which may be granted therefore, and all divisions, reissues, substitutions, continuations, continuations-in-part and extensions thereof; and ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as ASSIGNOR's interest is concerned, to the said ASSIGNEE of ASSIGNOR's entire right, title and interest.



ASSIGNOR also hereby sells and assigns to said ASSIGNEE, its successors, assigns and legal representatives the full and exclusive rights, title and interest to the invention disclosed in said application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world including all rights of priority, all rights to publish cautionary notices reserving ownership of said invention and all rights to register said invention in appropriate registries; and

ASSIGNOR further agrees to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such rights, title and interest in ASSIGNEE, its successors, assigns and legal representatives.

ASSIGNOR hereby further agrees to communicate with said ASSIGNEE, or its successors, assigns and legal representatives, any facts known to us respecting any improvements; and, at the expense of said ASSIGNEE, to testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-in-part, reissue and substitute applications, make all lawful oaths, and generally do everything possible to vest title in said ASSIGNEE and to aid said ASSIGNEE, its successors, assigns and legal representatives to obtain and enforce proper protection for said invention in all countries.

ASSIGNOR hereby grant(s) the firm of Suiter • West PC LLO or its agents the power to insert on this assignment any further identification, including but not limited to application number(s) and filing dates, which may be necessary or desirable in order to comply with any rule or request of the United States Patent and Trademark office for the purposes of recording this document.

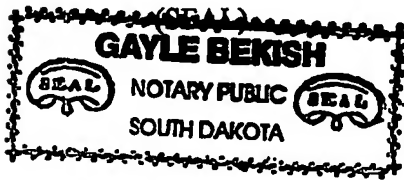
Signed at North Sioux City, in the County of Union, State of SD  
this 7<sup>th</sup> day of April, 2004.

[Signature]  
Darrin J. Fangman

STATE OF South Dakota )  
COUNTY OF Union )

I, Gayle Bekish, a Notary Public in and for the County and State aforesaid,  
(my Commission expires on 8-19-05) do hereby certify that Darrin J. Fangman  
personally known to me to be the same person whose name is subscribed to the foregoing  
instrument, appeared before me this day in person and acknowledged that he signed, sealed and  
delivered the said instrument as his free and voluntary act and deed for the uses and purposes therein  
set forth.

Given under my hand and notarial seal this 7<sup>th</sup> day of April, 2004.



Gayle  
Notary Public

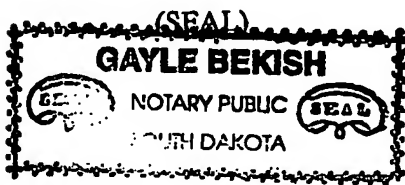
Signed at North Sioux City in the County of Union, State of South Dakota, this 7 day of April, 2004.

James Marshall  
James Marshall

STATE OF South Dakota )  
COUNTY OF Union )

I, Gayle Bekish, a Notary Public in and for the County and State aforesaid, (my Commission expires on 8-19-05) do hereby certify that James Marshall personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 7<sup>th</sup> day of April, 2004.



Gayle Bekish  
Notary Public

Signed at Elk Point, in the County of Union, State of SD  
this 10<sup>th</sup> day of April, 2004.

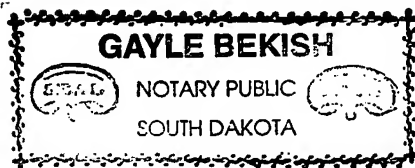
[Signature]  
Richard Peasley

STATE OF South Dakota )  
COUNTY OF Union )

I, Gayle Bekish, a Notary Public in and for the County and State aforesaid,  
(my Commission expires on 8-19-05) do hereby certify that **Richard Peasley** personally  
known to me to be the same person whose name is subscribed to the foregoing instrument, appeared  
before me this day in person and acknowledged that he signed, sealed and delivered the said  
instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 10<sup>th</sup> day of April, 2004.

(SEAL)



[Signature]  
Notary Public